

### **Remarks/Arguments**

Initially, Applicants thank the Examiner for the allowance of claims 30-41, and the allowability of claims 42-44 if rewritten into independent forms. In this reply, claims 2-4, 8, 11, 16, and 23 have been amended. More particularly, claims 42-44 have been rewritten into independent forms including all of the limitations of their base claim, claim 1, which is now cancelled. New claims 45 and 46 have been added. These claim amendments are fully supported in the originally filed application and no new matter has been added.

### **Rejection Under 35 U.S.C. § 102**

In the Office Action, claims 1-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,785,290 to Fujisawa et al. (“Fujisawa”). Applicants respectfully request reconsideration of this rejection for at least the following reasons.

As for claim 1, as previously indicated claim 1 has been cancelled. Thus, this rejection as it relates to claim 1 is rendered moot.

As for claims 2-7, these claims depend from patentable claims 42, 43, or 44, which have been rewritten into independent form. As a result, claims 2-7 incorporate the recitations of patentable claims 42, 43, or 44. Thus, for at least the reason that rewritten independent claims 42-44 are patentable, claims 2-7 are likewise patentable over Fujisawa under 35 U.S.C. § 102(e).

As for independent claim 8, claim 8 has been amended to recite the features “wherein said first packet insertion logic is adapted to receive said undiverted ones of ingress packets,” which mirrors the features of previously allowable claim 44 except that the feature “egress packets,” as recited in allowable claim 44, has been rewritten to read “ingress packets.” Such features are not taught or suggested by Fujisawa. That is, the Examiner in the Office Action equates the scheduler 64 of figure 8D of Fujisawa to, among other things, the first packet insertion logic as recited in claim 8 (note that scheduler 64 is actually an egress rather than an ingress scheduler, the ingress scheduler is identified as scheduler 16 – see, for example, col. 6, lines 45-52 and col. 11, line 65, of Fujisawa). However, there is no suggestion or teaching that the

scheduler 64 (or scheduler 16) of Fujisawa “is adapted to receive said undiverted ones of ingress packets” as recited in amended claim 8. For at least this reason, amended claim 8 is patentable over Fujisawa under 35 U.S.C. § 102(e).

As for claims 9-10, these claims depend from amended claim 8, incorporating its features. Thus, for at least the reasons that claim 8 is patentable over Fujisawa as described above, claims 9-10 are likewise patentable over Fujisawa.

As for independent claim 11, claim 11 has been amended to include features that are essentially the same as those of previously allowable claim 44, “wherein said second packet insertion logic is adapted to receive said undiverted ones of egress packets.” Such features, as appear to be acknowledged by the Examiner, are not taught by Fujisawa. For at least this reason, amended claim 11 is patentable over Fujisawa.

As for claims 12-15, claims 12-15 depend from amended claim 11, incorporating its recitations. Thus, for at least the reasons that claim 11 is patentable as described above, claims 12-15 are also likewise patentable over Fujisawa.

### **Rejections under 35 U.S.C. § 103**

In the Office Action, claims 16-20, 22-27, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujisawa in view of U.S. Patent No. 6,049,550 to Baydar et al. (“Baydar”). Applicants respectfully request reconsideration of this rejection for at least the following reasons.

With respect to independent claims 16 and 23, these claims have been amended to recite features that are similar or the same as those of previously allowable claims 42 and 43, respectively, which are not taught by Fujisawa and/or Baydar as appear to be acknowledged by the Examiner in his allowance or allowability of previously presented claims 42 and 43. For at least this reason, amended claims 16 and 23 are patentable over Fujisawa in view of Baydar under 35 U.S.C. § 103(a).

As to claims 17-20, 22, 24-27, and 29, these claims depend from amended independent claims 16 and 23, incorporating their recitations. Thus, for at least the reasons that amended claims 16 and 23 are patentable over Fujisawa in view of Baydar

as described above, claims 17-20, 22, 24-27, and 29 are likewise patentable over Fujisawa in view of Baydar.

In the Office Action, claims 21 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujisawa in view of Baydar, and in further view of U.S. Pat. Pub. No. 2003/0081287 to Jamson et al. (“Jamson”). Applicants respectfully request reconsideration of this rejection for at least the following reasons.

Claims 21 and 28 depend from amended independent claims 16 and 23, respectively, incorporating their recitations. In the Office Action, the Examiner acknowledged that Fujisawa in view of Baydar did not teach the optical and optical-electrical components and the data link/physical layer processing unit that are capable of supporting data rates of at least 10 GB/s, as recited in claim 21, and “said interfaces, said plurality of data link and physical sub-layer processing units and said buffering structure are capable of supporting data rates of at least 10 GB/s,” as recited in claim 28, but alleged that such features are taught by Jamson. However, the deficiencies of Fujisawa in view of Baydar as described above with respect to amended claims 16 and 23 (as well as to claims 21 and 28 through their dependencies to claims 16 and 23) are not cured by the teachings of Jamson. For at least this reason, claims 21 and 28 are patentable over Fujisawa in view of Baydar in further view of Jamson under 35 U.S.C. § 103(a).

### **New Claims**

New claims 45 and 46 have been added. These claims recite the same features as previously presented claim 8 and features similar to those of allowable claims 42 and 43, respectively, except that the features “egress packets,” as recited in allowable claims 42 and 43, has been rewritten to read “ingress packets.” Thus, for at least the reasons that rewritten independent claims 42 and 43 are now patentable, new claims 45 and 46 are likewise patentable.

## CONCLUSION

In view of the foregoing, Applicants respectfully submit that all pending claims are in condition for allowance. Early issuance of the Notice of Allowance is respectfully requested.

Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,  
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Dated: 01/16/2008

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